

**To:** Rebecca Sawyer[rsawyer@excelsiormining.com]  
**From:** Albright, David  
**Sent:** Fri 10/14/2016 7:46:48 PM  
**Subject:** RE: Gunnison Copper UIC  
EPA letter re Gunnison Copper Project Oct 2016.pdf

Hi Becky,

I understand your frustration with the process as you've described it below. I think it will be best for the time being that communication be with me and not with my staff. I can assure you that our sole focus is ensuring compliance with SDWA/UIC requirements and protection of underground sources of drinking water. The application we received, while determined to be administratively complete, appears to have had a significant number of deficiencies according to our technical review. A discussion of these deficiencies and our request for clarifying and additional information is attached. I would be happy to set up a conference call to discuss the attached once you and your technical staff have had a chance to review it. If you would like to arrange the call for next week, we should be able to do that, although I will need to ensure availability of our technical contractor.

Don't hesitate to call if you have questions.

Thanks,  
David

David Albright | Drinking Water Protection Section | EPA Region 9 San Francisco | 415 972-3971

**From:** Rebecca Sawyer [mailto:rsawyer@excelsiormining.com]  
**Sent:** Friday, October 14, 2016 10:21 AM  
**To:** Albright, David <Albright.David@epa.gov>  
**Subject:** RE: Gunnison Copper UIC

David;

Your email of Tuesday is disappointing in many respects. Since June of this year when the third-party consultant delivered its review to EPA, we have been told that comments

would be to us imminently. In most case we have been told we would receive comments “within two weeks”. During our telephone conference of September 16<sup>th</sup> you committed to having the comments to us by September 30<sup>th</sup> or we would have another conference call,. I would like to schedule that call at your earliest possible convenience, but by the end of business next week at a minimum..

During that call I would like to cover the reason for the delay in receipt of comments, a confirmed commitment for a date on which we will receive the comments and to learn why all of our offers to meet in person have been declined. EPA’s lack of willingness to meet to discuss the technical aspects of this application lead us to the conclusion that the issues are not of a technical nature. The lack of timeliness is causing great consternation among our business folks as we cannot plan and therefore cannot make commitments to our investors. When developing timelines and assessing risk for this project, EPA’s inability to execute its assigned processes and procedures was not considered a risk. EPA’s “timeliness” to date represents a significant detriment to this project.

As you know this project has public support and is not threatened by the type of public discord which many other projects are. As you may also know as a result of recent press, Excelsior has received another significant tranche of funding the result of which is that this project will go forward – the lack of permit timeliness is the only roadblock foreseen at this time.

Please let me know what your availability is next week discuss the Gunnison Copper Project UIC permit application prior to close of business on October 21, 2016.

Thank you,

Becky

**From:** Albright, David [<mailto:Albright.David@epa.gov>]  
**Sent:** Tuesday, October 11, 2016 8:27 AM  
**To:** Rebecca Sawyer <[rsawyer@excelsiormining.com](mailto:rsawyer@excelsiormining.com)>  
**Subject:** RE: Gunnison Copper UIC

Hi Becky,

Thanks for your note. As I indicated in my last message, we are very close to issuing the

technical review letter. My staff and I are working on several high priority matters, and getting the Excelsior project tech review letter out as soon as possible is certainly one of our top priorities. I appreciate your understanding.

Thanks,

David

David Albright | Drinking Water Protection Section | EPA Region 9 San Francisco | 415 972-3971

**From:** Rebecca Sawyer [<mailto:rsawyer@excelsiormining.com>]  
**Sent:** Friday, October 07, 2016 4:07 PM  
**To:** Albright, David <[Albright.David@epa.gov](mailto:Albright.David@epa.gov)>  
**Cc:** [baggione.trevor@azdeq.gov](mailto:baggione.trevor@azdeq.gov); Stephen Twyerould <[stwyerould@excelsiormining.com](mailto:stwyerould@excelsiormining.com)>  
**Subject:** RE: Gunnison Copper UIC

David,

Can you give me an update on the status of your comments on our UIC application? As you know, predicated schedules and workloads is challenging in any circumstance. It is harder when the schedule is not defined.

Thank you for your anticipated prompt response to this inquiry.

Becky

**From:** Albright, David [<mailto:Albright.David@epa.gov>]  
**Sent:** Friday, September 30, 2016 4:20 PM  
**To:** Rebecca Sawyer <[rsawyer@excelsiormining.com](mailto:rsawyer@excelsiormining.com)>  
**Subject:** Gunnison Copper UIC

Hi Rebecca,

I wanted to let you know the status of our technical review letter. It is not going out today, but we are very close and I fully expect to get the letter to you next week.

I will be sure that the letter is sent electronically to expedite your receipt.

Have a nice weekend.

David

David Albright | Drinking Water Protection Section | EPA Region 9 San Francisco | 415 972-3971